#### BOIES, SCHI<u>LLER & FLEXNER LLP</u>

575 LEXINGTON AVENUE • 7TH FLOOR • NEW YORK, NY 10022 • PH. 212.446.2300 • FAX 212.446.2350

September 30, 2010

#### **BY EMAIL**

Robert W. Gaffey, Esq. Jones Day 222 East 41st Street New York, NY 10017

> In re Lehman Brothers Holdings Inc., et al., Case No. 08-13555 (JMP) In re Lehman Brothers Inc., et al., Case No. 08-01420 (JMP)

Dear Bob:

You mentioned today during the chambers conference that Movants have specific objections, including "hearsay within hearsay" objections, to the PwC documents Barclays seeks to move into evidence. Please provide me as soon as practical with a description of those objections to the following BCI Exhibits:

BCI Exhibits 592a, 596, 597, 604, 607, 612, 613, 615, 616, 616N, 618, 619, 727, 727b, 870, 870a, 959, 995, 996, 1000, 1000a

Once you identify on a document-by-document basis the portions of each exhibit to which you object, and provide a basis for each objection, I may be able to resolve a number of the objections prior to the hearing and limit argument on Monday efficiently to the remaining issues.

If there are any exhibits as to which you have no objections, please let us know. Once we have your precise objections, we should try resolving them through a meet-and-confer before Monday.

Sincerely,

Jonathan D. Schiller

cc: William R. Maguire, Esq. James C. Tecce, Esq.

#### **Christopher Green**

From:

Robert W Gaffey [rwgaffey@JonesDay.com]

Sent:

Sunday, October 03, 2010 12:56 PM

To:

Robert W Gaffey

Cc:

Christopher Green; James Tecce; Jayant W. Tambe; Bill Maguire

Subject:

Re: In re Lehman - Correspondence re PwC Documents

Attachments: NYI\_4313137\_2\_Leh\_Barc\_ Movants' Objections to Barclays' Exhibits to PwC Docs.DOC

Dear Chris

As I said I would do in our correspondence below, I have addressed this morning the issues concerning the PwC documents you want to offer. Attached is a chart setting our particularized objections to the documents you have identified in that category, including the additional document (BCI Ex 1054) you sent yesterday, so I think the list is complete. Because of the shortness of time, I have not reviewed this with the other Movants, who may have their own views or objections to offer.

As a general matter, we object to Barclays' plan to submit this large body of PwC documents as a substitute for factual and expert testimony. As you know, Barclays, which during Movants factual case objected to the submission of certain PwC documents on hearsay and authenticity grounds, never identified anyone from PwC as a witness, expert or otherwise. And, of course, Barclays neither identified Barclays as an expert witness nor submitted an expert report from PwC during the time for submission of such reports. The attached chart, to the extent it asserts objections under Rules 701 and 702 of the Federal Rules of Evidence, reflects that position. We also object to the submission of these documents long after the close of Barclays' fact case.

Please note also that, in the interest of reducing the issues with which we have to take the Court's time, we have withdrawn previously asserted objections to authenticity as to certain of these documents, and we have withdrawn entirely our objections to BCI Exhibits 615, 618, 727, 727b, 870.

Finally, I note you have chosen to ignore my suggestion that you offer, as the proponent of the documents, anything that would explain further your view that they are admissible despite the evident hearsay and opinion issues the documents present. If you plan to send something before we are in court tomorrow, please let me know.

Bob

Robert W. Gaffey
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-7838 (direct)
(914) 391-5927 (cell)
(212) 755-7306 (fax)
rwqaffey@jonesday.com

# IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Chapter 11 Case No. 08-13555 (JMP) (Jointly Administered)		Case No. 08-01420 (JMP)			
In re:  LEHMAN BROTHERS HOLDINGS INC., et al.,	Debtors.	In re:	LEHMAN BROTHERS INC.,	Debtor.	

# MOVANTS' OBJECTIONS TO BARCLAYS CAPITAL INC.'S PROPOSED Pwc EXHIBITS (AS OF 10/3/10)

Movants' objections refer to the Federal Rules of Evidence, incorporated into these proceedings through Federal Rule of Bankruptcy Procedure 9017.

# Objections

106 Incomplete excerpt or document

402 Not relevant

701 Improper Lay Opinion

702 Improper Expert Opinion

802 Hearsay not within any exception

01 Not authenticated

Movants reserve the right to object to any exhibit being used during the questioning of any fact witness without personal knowledge of the exhibit.

BCI Exhibit No.	DESCRIPTION	MOVANTS' OBJECTION(S)
592a	Enlarged typed version of February 2, 2009 R. MacGoey to L. Gunn, et al., re Valuation of Securities Acquisition from Lehman Brothers Inc., without Bates number and attachments	Not evidence (Demonstrative); 106 (redacted), 701, 702, 802
596	February 9, 2009 Barclays NY Group Audit: Reconciliation of Financial Assets to Depositories (PwC-BarCapWP 00023717 - PwC-BarCapWP 00023725)	701, 702, 802
597	February 9, 2009 Barclays NY Group Audit: Valuation Approach (PwC-BarCapWP 00027538 - PwC-BarCapWP 00027540)	802
009	February 9, 2009 Barclays NY Group Audit: OCC Margin against ETO and OCC Customer Clearing Margin (PwC-BarCapWP 00029792 - PwC-BarCapWP 00029799)	802
601	February 9, 2009 Barclays NY Group Audit: Exchange Traded Options- MTM (PwC-BarCapWP 00029850 - PwC-BarCapWP 00029859) with attachments	701, 702, 802

BCI		
Exhibit No.	DESCRIPTION	MOVANTS' OBJECTION(S)
604	February 5, 2009 PricewaterhouseCoopers' Memo re Review of Barclay's JP Morgan Portfolio Price Testing Methodology and Framework as of December 22, 2008 (PwC-BarCap 00049386)  BarCapWP 00049386)	701,702, 802
209	February 8, 2009 PricewaterhouseCoopers' Memo re Review of Lehman CDO Acquisition Valuations (as of 9/22/08) (PwC-BarCap 00060950 - PwC-BarCap 00060967)	701, 702, 802
612	February 8, 2009 Barclays NY Group Audit 2008: Additional Securities Received-JPM Inventory (PwC-BarCapWP 00013280 - PwC-BarCapWP 00013283 with attachments)	802
613	February 8, 2009 Barclays NY Group Audit 2008: [BONY] Reconciliation of Financial Assets from DTC to PCG with attachments (PwC-BarCapWP 00018054 - PwC-BarCapWP 00018072)	802
615	February 6, 2009 PwC Memo David Baranick et al., to Rob MacGoey and Files-Barclays Capital-2008 Audit (PwC-BarCapWP 00021945- PwC-BarCapWP 00021952)	No objection
616	March 26, 2009 Barclays NY Group Audit 2008: [BONY] PV of equity financial assets (UK) (PwC-BarCapWP 00021953- PwC-BarCapWP 00021959 with attachments)	106, 701, 702, 802
616N	Native version of attachment to document marked as BCI Exhibit 616 (MS Excel file containing "Summary" tab re "Equities Bid-Offer Calculation" and "All Data" tab)	Same objections as BCI 616 and subject to Agreement re:
618	February 8, 2009 memo from Frank Serravalli et al., to Barclay's Capital PwC Audit Team re Review of Barclay's Capital Price Test Methodology and Framework for Lehman Acquired as of September 19, 2008 (PwC-BarCapWP 00022935 - PwC-BarCapWP 00022948)	No objection
619	February 9, 2009 Barclays NY Group Audit 2008: [BONY] PV of liquid portfolios [IMSAG] with attachments (PwC-BarCapWP 00023304 - PwC-BarCapWP 00023317)	701, 702, 802
727	December 7, 2008 3:01 pm email from S. Berryman to J. Tan, et al., re Re: Fw: Cure Payments (PwC-BarCap 000113788 – PwC-BarCap 000113793)	No objection

BCI Exhibit	DESCRIPTION	MOVANTS' OBJECTIONS
No. 727b	December 7, 2008 3:01 pm email from S. Berryman to J. Tan, et al., re Re: Fw: Cure Payments (more legible version of PwC-BarCap 000113788 – PwC-BarCap 000113793)	No objection
870	December 23, 2008 7:27 pm email from R. MacGooey to S. Teague re Re: FW: Lehmans005B00000007F0DEB800000000000 (PwC-BarCap 00008679 – PwCBarcap 00008680)	No objection
870a	Typed version of December 23, 2008 7:27 pm email from R. MacGoey to S. Teague re Re: FW: Lehmans005B000000007F0DEB8000000000000 (PwC-BarCap 00008679 – PwC-Barcap 00008680)	Not evidence (Demonstrative)
959	October 27, 2008 7:28 pm email from S. Teague to R. MacGoey, et al., re FW: Opening Balance Sheet – Price Testing back up due at COB today, with attachments (PwC-BarCap 00000956 - PwC-BarCap 00000972)	701, 702, 802
566	November 21, 2008 2:05 pm email from C. Merchant to M. Guarnuccio re Fw: Mark ups on PINE and Giants Stadium (PwC-BarCap 00002588 - PwC-BarCap 00002590)	802
966	February 4, 2009 5:16 pm email from L. Waldie to R. MacGoey re Updated Pine section FAVG, with attachments(PwC-BarCap 00055345)	701, 702, 802
1000	February 9, 2009 Barclays NY Group Audit: OCC Margin against ETO and OCC Customer Clearing Margin, with attachments (PwC-BarCapWP 00029792 – PwCBarCapWP 00029824)	802
1000a	Attachment to February 9, 2009 Barclays NY Group Audit: OCC Margin against ETO and OCC Customer Clearing Margin (Page 9 of BCI Exhibit 1000)	106, 802
1054	February 8, 2009 PricewaterhouseCoopers' Memo re Review BarCap YE 2008 CDO Valuations (PwC-BarCap 00060969 - PwC-BarCap 00060999)	701, 702, 802

#### BOIES, SCHILLER & FLEXNER LLP

575 LEXINGTON AVENUE • 7TH FLOOR • NEW YORK, NY 10022 • PH. 212.446.2300 • FAX 212.446.2350

October 3, 2010

#### BY EMAIL

Robert W. Gaffey, Esq. Jones Day 222 East 41st Street New York, NY 10017

In re Lehman Brothers Holdings Inc., et al., Case No. 08-13555 (JMP)
In re Lehman Brothers Inc., et al., Case No. 08-01420 (JMP)

Dear Bob:

Thank you for the email and objection chart you sent us at 12:57 p.m. today.

Your objections under FRE 701 and 702 are not well-founded, and we ask that you withdraw them. Barclays does not intend to submit the exhibits in question "as a substitute for factual and expert testimony." It intends to move them into evidence for all purposes as trial exhibits and, failing that, to move them into evidence for a limited purpose, such as showing the thoroughness of PwC's audit and showing how PwC documented its conclusions regarding the reasonableness of several valuation methodologies used by Barclays and challenged by Movants.

Your objection to "the submission of these documents long after the close of Barclays' fact case" also lacks merit, and we ask that you withdraw it as well. Barclays has not closed its fact case. Moreover, on June 25, after Movants' final fact witness was excused, the Court responded to the Trustee's counsel's request that the record not close formally on the Trustee's case before certain exhibits could be moved into evidence with the statement that "You'll be able to move in those documents hopefully on a consent basis in August." (June 25, 2010 Transcript at 124:23-125:8.) What is fair for the Movants is fair for Barclays.

The exhibits in question are business records of PwC and are therefore admissible under FRE 803(6). To the extent there is any alleged hearsay within the exhibits, both it and the exhibits themselves are admissible as long as "each part of the combined statements conforms with an exception to the hearsay rule." FRE 805. Although you still have not specified the alleged hearsay to which you object, it appears to us that most, if not all, of the exhibit content that could be challenged as hearsay within hearsay fits within a hearsay exception. For example, Barclays' documents that are included in the PwC business records at issue are independently admissible as Barclays' own business records. In addition, any third party quotes and published compilations that are incorporated in the exhibits are independently admissible under FRE 803(17).

BOIES, SCHILLER & FLEXNER LLP

Robert W. Gaffey, Esq. October 3, 2010 Page 2

Moreover, Barclays', Lehman's, and third parties' records that PwC relied on are deemed to be "integrated" within PwC's business records and are admissible for that reason. FRE 803(6) allows the admission of a business's records, including records generated by third parties, if the third party records "are integrated into a company's records and relied upon in its day to day operations." *U.S. v. Jakobetz*, 955 F.2d 786, 800-01 (2d Cir. 1992) (*quoting Matter of Ollag Constr. Equip. Corp.*, 665 F.2d 43, 46 (2d Cir.1981)).

Please let us know if you intend to argue that the exhibits are not PwC business records pursuant to FRE 803(6). If you do, we will ask the Court's permission to call a PwC witness for the purpose of proving otherwise. And separate from the question of whether each entire exhibit qualifies as a business record, we ask again that you also identify the portions of each exhibit to which you separately object on hearsay grounds, if any, as we did on Thursday.

We do intend to submit a short letter brief to the Court tomorrow which addresses the admissibility of these exhibits and the other exhibits we intend to move into evidence. We will provide you with a copy of that brief when it is submitted.

We remain available today to try to resolve your objections through meet-and-confer before tomorrow.

Sincerely,

Christopher M. Green

cc:

William R. Maguire, Esq. James C. Tecce, Esq.

#### **Christopher Green**

From:

Christopher Green

Sent:

Friday, April 30, 2010 12:51 AM

To:

'rwgaffey@jonesday.com'; 'William J Hine'; 'Jayant W. Tambe'; 'Tracy Schaffer'; 'Jennifer Del Medico'; 'William Maguire'; 'oxford@HughesHubbard.COM'; 'Hassan, Amina'; 'Mills, Carl'; 'James

Tecce'; 'Erica Taggart'; 'tylerwhitmer@quinnemanuel.com'

Cc:

Hamish Hume; Jack G. Stern; Jonathan Shaw

Subject:

Barclays Current Exhibit List

Attachments: BCI EXHIBITS.zip; 2010.04.30 Exhibit List of Barclays Capital Inc 1230 AM.pdf

Counsel:

Please see the attached materials. Hard copies of the attached exhibit list and discs containing the attached exhibits will be hand-delivered to movants later today.

Thank you.

Christopher M. (Chris) Green Boies, Schiller & Flexner LLP 333 Main Street Armonk, NY 10504 914.749.8200 (main) 914.749.8244 (direct) 914.552.0625 (cell) 914.749.8300 (fax) cgreen@bsfllp.com

From: Christopher Green

Sent: Wednesday, April 21, 2010 1:31 PM

To: 'rwgaffey@jonesday.com'; 'William J Hine'; Jayant W. Tambe; 'Tracy Schaffer'; 'Jennifer Del Medico';

William Maguire; oxford@HughesHubbard.COM; 'Hassan, Amina'; 'Mills, Carl'; James Tecce; Erica

Taggart; tylerwhitmer@quinnemanuel.com

Cc: Hamish Hume; Jack G. Stern; Jonathan Shaw

Subject: Barclays Current Exhibit List

#### Counsel:

Hard copies of these and the referenced DVDs are being hand-delivered to movants.

Thanks.

Christopher M. (Chris) Green Boies, Schiller & Flexner LLP 333 Main Street Armonk, NY 10504 914.749.8200 (main) 914.749.8244 (direct) 914.552.0625 (cell) 914.749.8300 (fax) cgreen@bsfllp.com

#### BOIES, SCHILLER & FLEXNER LLP

333 MAIN STREET • ARMONK, NY 10504 • PH. 914.749.8200 • FAX 914.749.8300

August 6, 2010

#### **BY EMAIL**

Neil Oxford, Esq. Hughes Hubbard & Reed LLP One Battery Park Plaza New York, New York 10004

In re Lehman Brothers Holdings Inc., et al., Case No. 08-13555 (JMP)

Dear Neil:

This letter follows up on my (attached) letter of June 24, 2010, to which the Movants have not given us any substantive reply. As that letter indicates, Barclays intends to move into evidence a number of exhibits. Although we agreed to defer that motion on June 25, we intend to bring it once trial resumes or shortly thereafter.

First, Barclays intends to move into evidence the following exhibits as to which the Movants have raised no objection: BCI Exhibits 11a, 131a, 143a, 189a, 231a, 419, 813b, 816a, 820, 821, 824, 825, 838, 852, 853, 854, 855, 856, 857, 858, 860 and 861. We ask that Movants stipulate to the admission of these exhibits.

Second, Barclays intends to move into evidence the following exhibits as to which Movants earlier raised objections which we believe are now moot: BCI Exhibits 304, 305, 306, 307, 308, 310, 311, 315, 319, 322, 327, 371, 412, 456, 457, 467, 526, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 610, 611, 612, 613, 614, 616, 617, 618, 619, 620, 621, 622, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691 and 692. We ask that Movants withdraw their previous objections to these exhibits so they may be moved in by stipulation. To assist you and your colleagues in your review and consideration of this request, I attach once again a chart that explains the way in which we believe we have addressed your objections to each of these documents.

Third, Barclays intends to move into evidence the following exhibits as to which Movants raised objections, but that correspond to Movants' Exhibits that have since been admitted: BCI Exhibits 27, 33, 34, 109, 109a, 271, 272, 370, 392, 406, 443, 444, 472, 501, 527, 583, 584, 609, 615, 724 and 725. We ask that Movants withdraw their previous objections to these exhibits so they can be moved in by stipulation. To assist you and your colleagues in your review and consideration of this request, I attach once again a conversion chart that specifies the Movants' Exhibit that corresponds to each of the BCI Exhibits referenced above.

#### BOIES, SCHILLER & FLEXNER LLP

Neil Oxford, Esq. August 6, 2010 Page 2

Fourth, in accordance with the notice we provided to you on April 25, 2010, Barclays intends to move into evidence the following exhibits as to which Movants have raised objections: BCI Exhibits 111, 115, 135, 381, 382, 418, 779, 780, 781, 796, 797, and 798. We ask that Movants withdraw their previous objections to these exhibits so they may be moved in by stipulation.<sup>1</sup>

Fifth, Barclays intends to move into evidence the following exhibits, as to which Movants have also raised objections: BCI Exhibits 21, 28, 40, 51, 53, 108, 113, 114, 134, 136, 148, 301, 309, 323, 325, 328, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 384, 390, 391, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 414, 415, 434, 451, 452, 453, 458, 469, 521, 522, 523, 529, 524, 532, 569, 579, 585, 586, 588, 589, 623, 624, 628, 629, 647, 648, 649, 650b, 651, 652, 659, 673, 677, 678, 717, 718, 719, 720, 721, 722, 723, 726, 727, 731, 732, 733, 747, 783, 804, 805, 806, 808 and 809. We ask that Movants withdraw their previous objections to these exhibits so they may be moved in by stipulation.

Sixth, Barclays intends to move into evidence the following exhibits that it has added to its exhibit list since June 25: BCI Exhibits 822, 827, 828, 829, 832, 833, 835, 836, 837, 840, 840a, 841, 842, 842a, 845, 845a, 846, 848, 849, 850, 851, 859, 862, 863, 866, 867, 868, 869, 870, 871, 872, 873, 876, 877, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893 and 894. Copies of these exhibits, many of which are publicly available documents, are being provided to you and counsel for the other Movants on DVD under separate cover along with the enclosed current version of Barclays' exhibit list. We ask that Movants stipulate to the admission of these exhibits.

Please advise us at your earliest convenience of Movants' positions on the foregoing requests.

Christopher M. Green

Sincerely,

#### **Enclosures**

cc: Counsel to the Creditors' Committee (By Email) Counsel to LBHI (By Email)

The following exhibits, originally included in this category, are the subject of a separate correspondence between Hamish Hume and Bill Hine, and are therefore not addressed by this letter: BCI Exhibits 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 502, 503, 667, 668, 669, 670 and 671.

08-13555-mg Doc 11781-1 Filed 10/04/10 Entered 10/04/10 21:01:03 Exhibit Exhibits 1-12 Pg 19 of 31

#### **Christopher Green**

From:

Christopher Green

Sent:

Sunday, August 29, 2010 6:51 PM

To:

William J Hine; 'Jennifer Del Medico'; 'Michael J Dailey'

Cc:

Tracy Schaffer; 'Jayant W. Tambe'; 'maguire@hugheshubbard.com'; Oxford, Neil; Tabatabai, Fara; James Tecce; susheelkirpalani@quinnemanuel.com; 'Tyler Whitmer'; Hamish Hume; Jack

G. Stern; Tricia Bloomer; Todd Thomas

Subject:

In re Lehman -- Barclays' Exhibit List

Attachments: BCI EXHIBIT 535a.pdf; BCI EXHIBIT 874.pdf; BCI EXHIBIT 875.pdf; BCI EXHIBIT 951.pdf; BCI EXHIBIT 952.pdf, BCI EXHIBIT 953.pdf, BCI EXHIBIT 954.pdf; BCI EXHIBIT 955.pdf, BCI EXHIBIT 956.pdf, BCI EXHIBIT 957.pdf, BCI EXHIBIT 959.pdf, BCI EXHIBIT 960.pdf, BCI EXHIBIT 961.pdf; BCI EXHIBIT 962.pdf; BCI EXHIBIT 958.pdf; BCI EXHIBIT 733a.pdf; 2010.08.29 Exhibit List of Barclays Capital Inc.pdf; BCI EXHIBIT 959 att.xls

Counsel:

Please see the updated Barclays' exhibit list and copies of the exhibits that have been added to it since August 22, 2010.

Thank you.

Christopher M. (Chris) Green Boies, Schiller & Flexner LLP 333 Main Street Armonk, NY 10504 914.749.8200 (main) 914.749.8244 (direct) 914.552.0625 (cell) 914.749.8300 (fax) cgreen@bsfllp.com

#### 08-13555-mg Doc 11781-1 Filed 10/04/10 Entered 10/04/10 21:01:03 Exhibit Exhibits 1-12 Pg 21 of 31

#### **Christopher Green**

From:

Christopher Green

Sent:

Monday, September 06, 2010 12:45 PM

To:

'William J Hine'; 'Jennifer Del Medico'; 'Michael J Dailey'

Cc:

'Tracy Schaffer'; 'Jayant W. Tambe'; 'maguire@hugheshubbard.com'; 'Oxford, Neil'; 'Tabatabai, Fara'; 'James Tecce'; 'susheelkirpalani@quinnemanuel.com'; 'Tyler Whitmer'; Hamish Hume; Jack G. Stern; Tricia Bloomer; Todd Thomas; Jonathan Krisbergh; Jonathan Davenport

Subject:

In re Lehman -- Barclays' Exhibit List

Attachments: 2010.09.06 1230 Exhibit List of Barclays Capital Inc.pdf; BCI EXHIBIT 138a.pdf; BCI EXHIBIT

191c.pdf; BCI EXHIBIT 592a.pdf; BCI EXHIBIT 727b.pdf

#### Counsel:

Attached is an updated version of Barclays' Exhibit List and copies of BCI Exhibits 138a, 191c, 592a and 727b.

#### Thank you.

Christopher M. (Chris) Green Boies, Schiller & Flexner LLP 333 Main Street Armonk, NY 10504 914.749.8200 (main) 914.749.8244 (direct) 914.552.0625 (cell) 914.749.8300 (fax) cgreen@bsfllp.com

08-13555-mg Doc 11781-1 Filed 10/04/10 Entered 10/04/10 21:01:03 Exhibit Exhibits 1-12 Pg 23 of 31

#### **Christopher Green**

From:

Christopher Green

Sent:

Sunday, September 19, 2010 8:21 PM

To:

'William J Hine'; 'Jennifer Del Medico'; 'Michael J Dailey'

Cc:

'Tracy Schaffer'; 'Jayant W. Tambe'; 'Robert W Gaffey'; 'maguire@hugheshubbard.com'; Oxford, Neil; 'Tabatabai, Fara'; 'James Tecce'; 'susheelkirpalani@quinnemanuel.com'; Hamish Hume;

Jack G. Stern; Tricia Bloomer; Todd Thomas

Subject:

In re Lehman - Barclays' Exhibit List

Attachments: 2010.09.19 1800 Exhibit List of Barclays Capital Inc.pdf; BCI EXHIBITS 9-19-10.zip

Counsel:

Please see the updated Barclays' exhibit list and copies of the exhibits that have been added to it since it was last distributed.

Thank you.

Christopher M. (Chris) Green Boies, Schiller & Flexner LLP 333 Main Street Armonk, NY 10504 914.749.8200 (main) 914.749.8244 (direct) 914.552.0625 (cell) 914.749.8300 (fax) cgreen@bsfllp.com

#### 08-13555-mg Doc 11781-1 Filed 10/04/10 Entered 10/04/10 21:01:03 Exhibit Exhibits 1-12 Pg 25 of 31

222 E. 41st. St. New York, NY 10017 Direct: 212-326-3901

This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

From: Christopher Green [Cgreen@BSFLLP.com]

Sent: 09/20/2010 12:19 PM AST

To: William Hine; Jennifer Del Medico; Michael Dailey

Cc: Tracy Schaffer; Jayant Tambe; Robert Gaffey; "'maguire@hugheshubbard.com'" <maguire@hugheshubbard.com>; "'Oxford, Neil'" <oxford@HughesHubbard.COM>; "Tabatabai, Fara'" <tabataba@HughesHubbard.COM>; 'James Tecce' <jamestecce@quinnemanuel.com>; "'susheelkirpalani@quinnemanuel.com'" <susheelkirpalani@quinnemanuel.com>; Hamish Hume <a href="https://hhume@BSFLLP.com">https://hhume@BSFLLP.com</a>; "Jack G. Stern" <a href="stern@bsfllp.com">istern@bsfllp.com</a>; "Tricia Bloomer" <a href="tbloomer@bsfllp.com">tbloomer@bsfllp.com</a>; Todd Thomas < Tthomas@BSFLLP.com>

Subject: RE: In re Lehman - Barclays' Exhibit List

Please see attached new BCI Exhibits 997-1000.

Thank you.

Christopher M. (Chris) Green Boies, Schiller & Flexner LLP 333 Main Street Armonk, NY 10504 914.749.8200 (main) 914.749.8244 (direct) 914.552.0625 (cell) 914.749.8300 (fax) cgreen@bsfllp.com

IRS Circular 230 disclosure:

To ensure compliance with requirements imposed by the IRS, unless we expressly state otherwise, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

The information contained in this electronic message is confidential information intended only for the use of the named recipient(s) and may contain information that, among other protections, is the subject of attorney-client privilege, attorney work product or exempt from disclosure under applicable law. If the reader of this electronic message is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, you are hereby notified that any dissemination, distribution, copying or other use of this communication is strictly prohibited and no privilege is waived. If you have received this communication in error, please immediately notify the sender by replying to this electronic message and then deleting this electronic message from your computer. [v.1]

08-13555-mg Doc 11781-1 Filed 10/04/10 Entered 10/04/10 21:01:03 Exhibits 1-12 Pg 27 of 31

Christop	her	Green
----------	-----	-------

From:

Christopher Green

Sent:

Monday, September 20, 2010 5:09 PM

To:

'Michael J Dailey'

Cc:

'Jayant Tambe'; 'Kelly Carrero'

Subject:

RE: In re Lehman - Barclays' Exhibit List

Attachments: BCI EXHIBIT 1000A.pdf

Michael:

Attached is an electronic version of BCI Exhibit 1000A.

Thank you.

Chris

From: Christopher Green

Sent: Monday, September 20, 2010 12:48 PM

To: Michael J Dailey

Cc: Jayant Tambe; Kelly Carrero

Subject: RE: In re Lehman - Barclays' Exhibit List

Michael:

Please see the attached updated Barclays' exhibit list.

Thanks.

Chris

From: Michael J Dailey [mailto:mjdailey@JonesDay.com]

Sent: Monday, September 20, 2010 12:44 PM

To: Christopher Green

Cc: Jayant Tambe; Kelly Carrero

Subject: Re: In re Lehman - Barclays' Exhibit List

Chris:

Please immediately provide Movants with an updated exhibit list reflecting these recent additions.

Thank you, Mike

Michael J. Dailey Associate

Jones Day

08-13555-mg Doc 11781-1 Filed 10/04/10 Entered 10/04/10 21:01:03 Exhibit Exhibits 1-12 Pg 29 of 31

#### **Christopher Green**

From:

Christopher Green

Sent:

Tuesday, September 21, 2010 10:16 AM

To:

'Michael J Dailey'

Cc:

'Jayant W. Tambe'; 'Kelly A Carrero'; 'maguire@hugheshubbard.com'; 'Oxford, Neil'; 'James Tecce'; 'susheelkirpalani@quinnemanuel.com'; Hamish Hume; Jack G. Stern; Jonathan Shaw;

Tricia Bloomer; Todd Thomas; Jonathan Davenport; Camille Oberkampf

Subject:

In re Lehman - Barclays' Exhibit List

Attachments: BCI EXHIBIT 616N.xls

Attached is BCI Exhibit 616N, which is a native version of an attachment included in the document marked as BCI Exhibit 616.

#### Thank you.

Christopher M. (Chris) Green Boies, Schiller & Flexner LLP 333 Main Street Armonk, NY 10504 914.749.8200 (main) 914.749.8244 (direct) 914.552.0625 (cell) 914.749.8300 (fax) cgreen@bsfllp.com

#### **Christopher Green**

From:

Christopher Green

Sent:

Saturday, October 02, 2010 4:58 PM

To:

'Michael J Dailey'

Cc:

'Robert W Gaffey'; 'Tracy Schaffer'; Camille Oberkampf; 'James Tecce'; Jonathan Davenport; 'Jayant W. Tambe'; 'Kelly A Carrero'; 'maguire@hugheshubbard.com'; 'Oxford, Neil';

'susheelkirpalani@quinnemanuel.com'; 'tabataba@HughesHubbard.COM';

'robertdakis@guinnemanuel.com'; 'Bart Green'; Hamish Hume; Camille Oberkampf

Subject:

RE: In re Lehman - Barclays' Exhibit List

Attachments: 2010.10.02 1615 Exhibit List of Barclays Capital Inc.pdf; BCI Exhibit 1054.pdf; BCI EXHIBIT

133b.pdf

#### Michael:

Attached is an updated version of Barclays' Exhibit List. Also attached are BCI Exhibits 133b and 1054. It has come to my attention that you may have previously been provided with an incorrect version of BCI Exhibit 133b. If so, please replace it with the attached version.

Thanks.

#### Chris

Christopher M. (Chris) Green Boies, Schiller & Flexner LLP 333 Main Street Armonk, NY 10504 914.749.8200 (main) 914.749.8244 (direct) 914.552.0625 (cell) 914.749.8300 (fax) cgreen@bsfllp.com